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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,553	07/18/2001	Brian L. Klosterman	ST/045	1546

7590 06/14/2005

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EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/806,553	KLOSTERMAN, BRIAN L	
	Examiner	Art Unit	
	Farzana E. Hossain	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7-18-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Claims 6 and 9 are objected to because of the following informalities:

On line 32, Claim 6 recites "...be displayed as the c).." There are no other references to a) or b).

On line 12, Claim 6 recites "...be displayed as the c).." There are no other references to a) or b).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al (US 6,564,379 and hereafter referred to as "Knudson") in view of Davis et al (US 5,559,548 and hereafter referred to as "Davis", note Bennington et al US 6,418,556 is incorporated by reference and hereafter referred as "Bennington").

Regarding Claim 1, Knudson discloses that the program guide or electronic program guide (EPG) data and advertising information is distributed or transmitted to user television equipment including a set top box (STB) or viewer

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terminal (Column 3, lines 59-61, lines 10-20). Knudson discloses that advertising information includes text, graphics and video (Column 4, lines 9-15). Knudson discloses that the text information advertisements or static advertising messages are distributed to the viewer terminals (Column 3, lines 59-60, Column 6, lines 1-3). Knudson discloses that the videos for advertising or video clips related to the static advertising messages are provided from the server to the STB or viewer terminal on a continuous looped arrangement or video clips are transmitted repeatedly and continuously (Column 5, lines 26-28). Knudson discloses simultaneously displaying on the screen EPG, text advertisement and video advertisement (Figure 12). Knudson discloses that EPG data is distributed to the STB periodically, however, Knudson does not explicitly disclose that the EPG data is stored at the STB. Bennington discloses that the program schedule information or EPG data is stored at the receiver for display (Column 7, lines 1-14, Davis -Figure 7a). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson to include the storage of EPG data (Column 7, lines 1-14, Davis -Figure 7a) as taught by Davis and Bennington in order to provide in order to provide a more efficient display of program schedule information (Column 2, lines 62-64) as disclosed by Bennington.

Regarding Claim 2, Knudson discloses that a television signal is transmitted from a head end to the STB (Column 3, lines 30-33).

Regarding Claim 3, Knudson discloses that EPG data is transmitted from the cable head end with the television signal (Figures 1, 2).

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Regarding Claim 4, Knudson discloses that the video advertisements or the video clips are transmitted from the head end with the television signal (Figure 1, 2, Column 5, lines 20-30).

Regarding Claim 5, Knudson disclose that the video clips are transmitted on a continuous loop and displayed on the screen when it is time or video clips are displayed in real time without storage at the STB (Column 5, lines 26-28).

Regarding Claim 8, Knudson and Davis disclose all the limitations of Claim 1. Knudson disclose that the video clips are transmitted on a continuous loop and displayed on the screen when it is time or video clips are displayed in real time without storage at the STB (Column 5, lines 26-28).

Regarding Claim 10, Knudson and Davis disclose all the limitations of Claim 1. Knudson discloses that the transmitted video clips are in a digital data stream (Column 3, lines 59-67, Column 4, lines 1-3, Column 5, lines 25-27). It is inherent that if the video clips are in a digital data stream that they are arranged in interleaved packets.

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Davis as applied to claim 5 above, and further in view of Hidary et al (US 5,774,664 and hereafter referred to as Hidary).

Regarding Claim 6, Knudson in view of Davis do not disclose that both the static advertising messages and the video clips are tagged with the same unique identification symbols at the head end and that the video clips are compared to the corresponding static advertising message so that the symbols match. Hidary

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discloses a uniform resource locator (URL) or static advertising message is displayed at the appropriate time with a video or video clip (Column 3, lines 25-30). The URLs have associated time stamps, which will indicate when predetermined related video content is displayed on the video window (Column 4, lines 53-56, Column 7, lines 65-67, Column 8, lines 1-3). It is inherent that the predetermined related video content has the same time stamp as the URL is displayed at specific times. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson in view of Davis to include time stamps or unique identification symbols (Column 4, lines 53-56) for the URLs or static advertising messages and video clips as taught by Hidary in order to provide an organized interactive, educational, entertainment experience (Column 1, lines 55-57) as disclosed by Hidary.

Regarding Claim 7, Knudson discloses that the transmitted video clips are in a digital data stream (Column 3, lines 59-67, Column 4, lines 1-3, Column 5, lines 25-27). It is inherent that if the video clips are in a digital data stream that they are arranged in interleaved packets.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Davis as applied to claim 1 above, and further in view of Hidary.

Regarding Claim 9, Knudson in view of Davis do not disclose that both the static advertising messages and the video clips are tagged with the same unique identification symbols at the head end and that the video or video clips are compared to the corresponding static advertising message so that the symbols

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match. Hidary discloses a uniform resource locator (URL) or static advertising message is displayed at the appropriate time with a video signal (Column 3, lines 25-30). The URLs have associated time stamps, which will indicate when predetermined related video content is displayed on the video window (Column 4, lines 53-56, Column 7, lines 65-67, Column 8, lines 1-3). It is inherent that the predetermined related video content has the same time stamp as the URL is displayed at specific times. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson in view of Davis to include time stamps or unique identification symbols (Column 4, lines 53-56) for the URLs or static advertising messages and video clips as taught by Hidary in order to provide an organized, interactive, educational, entertainment experience (Column 1, lines 55-57) as disclosed by Hidary.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Alten et al (US 5,635,978), Berezowski et al (US 6,064,376), and Ellis et al (US 6,604,240).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
June 6, 2005

  
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SUPERVISORY PATENT EXAMINER  
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